

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAN F. BECKER,

Petitioner,

V.

UNKNOWN HUDSON, et. al.,

Respondents.

CASE NO. 8:07CV00372

MEMORANDUM AND ORDER

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, an application to proceed in forma pauperis, and a copy of his institutional trust account statement. The petitioner's average balance over the last six months, as certified by the Mansfield Correctional Institution, was \$36.33.

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. 28 U.S.C. § 1914(a). However, pursuant to 28 U.S.C. § 1915(a)(1)-(2), and after considering the petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and the petitioner is relieved from paying the fee at this time.

IT IS ORDERED:

The application to proceed in forma pauperis, (Filing No. 2), is provisionally granted and the petitioner will not be required to pay the \$5.00 fee at this time.

DATED this 3rd day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge